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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 JUAN VIANEZ,

12 Petitioner,

13 v.

14 UNITED STATES OF AMERICA,

15 Respondent.

CASE NO. C14-5024 RJB

CR09-5065RJB

ORDER TRANSFERRING CASE

16 This matter comes before the court on review of the file.

17 **1. Review of the File.** On July 3, 2013, the court denied petitioner's first petition for  
18 relief under 28 U.S.C. § 2255. *See Juan Alexander Vianez v. United States of America*, C13-  
19 5976RJB. On November 18, 2013, the court transferred a subsequent Section 2255 petition to  
20 the Ninth Circuit, as a second or successive petition. *See Juan Vianez v. State of Washington*,  
21 C13-5976RJB.

22 On January 6, 2014, petitioner filed a document that appears to challenge his conviction  
23 under 28 U.S.C. § 2255. Dkt. 1; *U.S.A. v. Juan Vianez*, CR09-5065RJB. This is a second or  
24

1 successive petition and should be transferred to the Ninth Circuit U.S. Court of Appeals,  
2 pursuant to 28 U.S.C. § 2255(h) and 28 U.S.C. § 2244(b)(3)(A).

3 **2. Order of the Ninth Circuit for Subsequent Motions.** Rule 9 of the Rules

4 Governing Section 2255 Proceedings for the United States District Courts provides as follows:

5 **Second or Successive Motions**

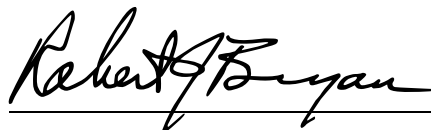
6 Before presenting a second or successive motion, the moving party must obtain an  
7 order from the appropriate court of appeals authorizing the district court to consider the  
8 motion, as required by 28 U.S.C. § 2255, para 8.

9 **In the event that petitioner files in the future, in this court, any document that the**  
10 **court construes as a request to vacate, set aside, or correct his sentence, the document will**  
11 **be filed by the Clerk in the criminal case, CR09-5065RJB, but will not be opened as a**  
12 **separate case or further acted upon by this court, unless petitioner files, with the document,**  
13 **an order from the Ninth Circuit U.S. Court of Appeals, authorizing the court to consider**  
14 **the motion.**

15 Accordingly, this case is **TRANSFERRED** to the Ninth Circuit U.S. Court of Appeals as  
16 a second or successive petition. Further, other than a Notice of Appeal, any document petitioner  
17 files, in this court, with this case number (C14-5024RJB) will be docketed by the Clerk but will  
18 not be acted upon by the court.

19 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
20 to any party appearing *pro se* at said party's last known address.

21 Dated this 10<sup>th</sup> day of January, 2014.

22 

23 ROBERT J. BRYAN  
24 United States District Judge